

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRUCE M. RADL

Application No. 09/966,484

MAILED

SEP 20 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 29, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed a Reply Brief on July 6, 2004 (cert. of mailing date) in response to the Examiner's Answer mailed May 5, 2004. However, the Reply Brief has not been physically made of record to the file and there is no indication on the record indicating that the examiner has responded to the Reply Brief. Section 1208.03 of the Manual of Patent Examining Procedure (8th ed., Rev. 2, May 2004) states:

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Appellant may file a reply brief to an examiner's answer or a supplemental examiner's answer within 2 months from the date of such examiner's answer or supplemental examiner's answer. . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

See also 37 CFR § 41.41.

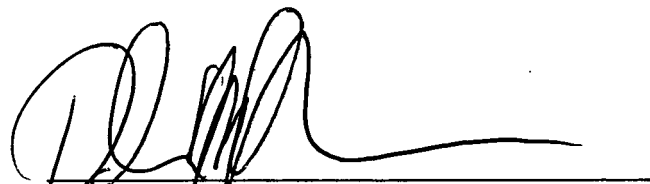
Accordingly, it is

ORDERED that the application is returned to the examiner for physical entry of the Reply Brief into the record of the file, proper response to the Reply Brief by the Examiner, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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